

**LAKE COUNTY BOARD of ADJUSTMENT**  
**April 10, 2013**  
**Lake County Courthouse Large Conference Room (Rm 317)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Clarence Brazil, Tim McGinnis, Paul Grinde

**STAFF PRESENT:** Joel Nelson, LaDana Hintz, Karl Smithback, Robert Costa, Lita Fonda

Tim McGinnis called the meeting to order at 4:00 pm. Three of the four members who were in attendance at the last meeting were needed as a majority to approve the minutes from that meeting. Only two were present. Joel read the applicable passage from the rules.

**Motion made by Paul Grinde, and seconded by Tim McGinnis, to table the March 13, 2013 meeting minutes. Motion carried, all in favor.**

**CONRAD LAKE PROPERTY, LLC VARIANCES & CONDITIONAL USE—**  
**UPPER WEST SHORE (4:02 pm)**

LaDana Hintz presented the staff report. (See attachments to minutes in the April 2013 meeting file for staff report.) She noted that two letters of public comment were received, and both were in support of approval. This was the same proposal reviewed in 2010 and the regulations hadn't changed. Planning staff thought it was reasonable to reinstate the approval for a year, and a zoning conformance would have to be obtained in that time. She suggested including a clause to allow Planning staff to extend for an additional year if needed. If a zoning conformance was not obtained in that time, the applicant would need to come back for additional approval. Tim confirmed with LaDana that they were extending an approval that expired in 2011. She reiterated that it would be the same approval with the exemption of the added clause that Planning staff could extend for an additional year.

*Public comment opened:*

Tom Abel of Abel Engineering spoke on behalf of the applicant. He reported that the neighbors commented they didn't want to see partial construction. That wasn't Paul Conrad's intent. He wanted to put in a retaining wall and a parking area. That would be it for this stage. He wouldn't proceed unless he had some way to take the project to completion. Best practices would be used. LaDana said he would need to get a zoning conformance and meet a few conditions.

*Public comment closed.*

**Motion made by Paul Grinde, and seconded by Tim McGinnis, to approve the extension request with staff recommendations.** LaDana double-checked about the extension clause. Paul agreed that was okay. **Motion carried, all in favor.**

**D & H HOLDINGS VARIANCE—FINLEY POINT (4:07 pm)**

Robert Costa presented the staff report. (See attachments to minutes in the April 2013 meeting file for staff report.) He mentioned staff took alternative options into consideration, including expansion of existing structures on the site. This would likely prove very difficult. Additionally, it looked like the applicants picked the site based on its access to the driveway, which was logical in making this a garage for the purposes of storage and so forth. It seemed like a logical use as a garage based on those conditions.

Tim asked about the September D & H Holdings item. Robert reviewed that in September the Board granted a conditional use for disturbance of slopes over 25% on a lakefront lot. That was approved with conditions. Most had been addressed.

Dan Larsen explained that he didn't do the variance [in September] because he didn't have all of his ducks in a row. At that time, he wanted to have the ability to hook up to sewer and water, but he just wanted to get the garage built. He thought the miscommunication lay in that he was just going to build it dry and then pursue getting the other permit later. Then he was told to have the hook-up, he had to do that ahead of time. Robert added he was hesitant to approve one way or another without knowing what the applicant wanted to do. Dan said he wanted it hooked up. He just wanted to get it built. They had thefts in the area and he wanted a secure area for stuff. That was the main emphasis of the garage.

Dan was frustrated with the definition of a dwelling unit overall. His bathhouse was classified as a dwelling. The property was set up with a one-room 25-foot by 25-foot main cabin. You walked down a walkway to a 4 x 5 bath cabin, and there were 2 sleeping cabins. None had insulation or permanent foundations, permanent heat or permanent water. They were just summer cabins that had been there since the '60's. There wasn't anything for year-round secure storage or year-long water supply. Tim noted it was impossible to write the regulations to meet every situation. Dan said this was a weird development. The previous owner had 5 or 6 families that used it together. There was a commune area and sleeping cabins with bunk beds. They were all within 50 feet of each other.

*Public comment opened: None received. Public comment closed.*

**Motion made by Tim McGinnis, and seconded by Clarence Brazil, to approve the variance with staff findings of fact and recommendations. Motion carried, all in favor.**

**NGZH 2000 LTD CONDITIONAL USE—FINLEY POINT (4:22 pm)**

Karl Smithback presented the staff report. (See attachments to minutes in the April 2013 meeting file for staff report.)

George Gibson, the project architect, spoke on behalf of the applicant. He noted the structures were built in the '40's and '50's. They wanted to update and enlarge the guesthouse down towards the lake. He checked about the approval on the garage project

in 2008 and zoning conformance. Karl replied that they hadn't gotten the zoning conformance. They had an approval for a variance for two guest houses on a property. One of the conditions of approval was to get a zoning conformance permit and that hadn't happened. George said according to his clients, they applied for the permits and a planner came out and said things looked good. They were surprised to hear there was some issue or problem with this.

Karl explained that they needed to get an after-the-fact zoning conformance permit, as none was applied for or issued. George asked what had been issued. Karl answered that an approval by the Board of Adjustment. They came to the Board for a variance. They needed to then apply for a zoning conformance, where staff would evaluate the proposal in compliance with zoning and in consideration of the Board's approval, and issue a permit. Then a structure could be built. George summarized that they got a variance only from the Board but they never followed through to get the zoning conformance. Karl confirmed. He didn't think it would be a huge problem. If something came to light, such as greater than 1000 square feet of living area, it might need to come back to the Board to get an amendment to the original variance or it might be easier to resolve in some other way. It was dependent on what they found with the after-the-fact permit.

George confirmed with Karl that this wasn't germane to what they were doing right now. Joel said it was written in consideration of the possibility that the guest house was over 1000 square feet. It would depend on whether it complied with the old variance approval. The old approval and application submitted were pretty vague with regards to what size of structure. George asked if they had the old information. Karl pointed to pertinent attachments included in the current staff report. Aside from that, he had some research information. They discussed the prior application and the resulting structure.

George said the garage and workshop office were downstairs and 2 bedrooms with bath were upstairs. He reiterated that both of those buildings were from the '40's and '50's and had living quarters in them. It wasn't like the applicants were asking to build a second guest house that was never there before. Karl said it was originally a garage. George said it had sleeping quarters. He referred to pictures. Joel said they tore that structure down and built a new structure. Karl didn't think it would affect what they were talking about at this meeting. The concern was that they evaluate the variance on a set of criteria. He referred to some of the criteria and gave examples. He didn't see it as being a major issue but that's why he brought up the fact that an amendment to the original variance approval might need to be reviewed for housekeeping purposes to make sure the ducks were in a row. For [this proposal today], they were looking at one conditional use. George thought maybe something fell through the cracks. He'd be happy to put that paperwork together.

George asked about the recommendation for stormwater plan for the property. The property was 5 acres. The buildings were existing. Impervious was something like 4.3%. He wondered if that was a standard requirement since it wasn't anywhere close to the 29%. Karl said it was still a requirement. It could be a simple statement. He gave an example. They could work that out with the zoning conformance permit. George

described the regulations as saying [a stormwater plan] may be required. Karl explained that the old variance approval required one for that structure. He thought having one would make things easier for the applicant. Rather than going back and requiring a stormwater management plan for the old structure, there could be one comprehensive plan for the property.

*No other public present to comment.*

**Motion made by Paul Grinde, and seconded by Tim McGinnis, to approve the conditional use with staff recommendations and findings of fact. Motion carried, all in favor.**

**OTHER BUSINESS (4:35)**

Joel relayed that he hadn't heard back from the Attorneys' Office regarding the request for explanation on a recent court ruling. Tim mentioned a conflict of time needed with the School Board, such that he might need to resign. He appreciated this Board and didn't want to put the Board in a jam.

**Tim McGinnis, acting chair, adjourned the meeting at 4:41 pm.**